

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CITIBANK, N.A., CITICORP NORTH
AMERICA, INC., and CITIGROUP GLOBAL
MARKETS LIMITED,

Defendants.

Adv. Pro. No. 10-05345 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANTS' TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendants Citibank, N.A., Citicorp North America, Inc., and Citigroup Global Markets Limited (the “**Defendants**”) through their respective undersigned counsel.

RECITALS

A. On April 22, 2022, the Defendants filed their Motion to Dismiss the Complaint in this Adversary Proceeding, No. 10-05345 (CGM) [ECF No. 222].

B. On September 27, 2022, following briefing by the parties and oral argument, this Court issued its Memorandum Decision Denying Defendants' Motion to Dismiss [ECF No. 239].

C. On October 13, 2022, based on the Memorandum Decision, this Court entered its Order Denying the Defendants' Motion to Dismiss the Complaint under Bankruptcy Rule 7012 and Federal Rule of Civil Procedure 12(b)(6) [ECF No. 244] (the "**October 13, 2022 Order**").

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the October 13, 2022 Order is 14 days after entry of order, *i.e.*, on October 27, 2022.

E. The Defendants seek an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by October 27, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to the Defendants' request to extend its time to appeal to November 2, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by the Defendants for extension of time for filing (a) a notice of appeal of the October

13, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including November 2, 2022 (the “**Extended Filing Deadline**”).

2. The Trustee consents to the Defendants’ motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if the Defendants wish to appeal the October 13, 2022 Order, the Defendants shall make the Required Filings by the Extended Filing Deadline.

Dated: October 18, 2022
New York, New York

Respectfully submitted,

BAKER & HOSTETLER LLP

/s/ David J. Sheehan

David J. Sheehan
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 590-4201
dsheehan@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
The Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*

CLEARY GOTTlieb STEEN & HAMILTON LLP

/s/ Carmine Boccuzzi

Carmine Boccuzzi
One Liberty Plaza
New York, New York 10006
T: 212-225-2000
cboccuzzi@cgsh.com

*Attorney for Citibank, N.A., Citicorp North America,
Inc., and Citigroup Global Markets Limited*

Dated: October 19, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge